



NEW YORK STATE SENATOR

James Sanders Jr.

Public Pressure Mounting on Governor to Sign Foreclosure Abuse Prevention Act; BPHA Caucus Sends Letter

JAMES SANDERS JR. October 28, 2022

Albany, New York 12224

Dear Governor Hochul:

We write as members of the New York State Black, Puerto Rican, Hispanic & Asian Legislative Caucus to urge that the Foreclosure Abuse Prevention Act (the "FAPA") (S.5473-D/Sanders same as A.7737-B/Weinstein) be signed into law in its current form immediately. This critical piece of consumer protection legislation passed both chambers of the Legislature with an overwhelmingly bipartisan majority vote as of May 3, 2022.

Since May, there have been no justifications as to why mortgage lenders should be afforded a privilege — the unilateral ability to manipulate and thus evade, the statute of limitations which no other litigant enjoys in New York.

The FAPA does not disturb New York's six-year statute of limitations on mortgage foreclosure actions. It simply restores a fair and common-sense principal: no party may unilaterally stop and restart the statute of limitations to revive what would otherwise be a time-barred action. The signature of the FAPA into law should be championed by all those who believe in the fair and evenhanded application of the statute of limitations.

The prompt signing of FAPA into law is of particular concern to our Caucus since manipulative foreclosure practices disproportionately harm communities of color.

The New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus sent a letter to Governor Kathy Hochul urging that she sign the Foreclosure Abuse Prevention Act (the "FAPA") (S.5473-D/Sanders same as A.7737-B/Weinstein) into law in its current form as soon as possible. Public pressure is also mounting for the bill to be signed. This critical piece of consumer protection legislation passed both chambers of the Legislature with an overwhelmingly bipartisan majority vote as of May 3, 2022.

The letter states, in part, "Since May, we have yet to hear a compelling, principled justification for why mortgage lenders should be afforded a privilege ? the unilateral ability to manipulate and

thus evade, the statute of limitations ? which no other litigant enjoys in New York."

The FAPA does not disturb New York's already generous six-year statute of limitations on mortgage foreclosure actions. It simply restores a fair and common-sense principle: no party may unilaterally stop and restart the statute of limitations to revive what would otherwise be a time-barred action. The signature of the FAPA into law should be championed by all those who believe in the fair and even-handed application of the statute of limitations.

The prompt signing of FAPA into law is of particular concern since manipulative foreclosure practices ? and foreclosure actions in general ? disproportionately harm communities of color.

With each passing day, New York homeowners are increasingly losing their homes to what would otherwise be time-barred foreclosure actions. We believe the FAPA should be signed into law in its current form without further delay.

Susan Burke, a homeowner for 30 years, in Northport, New York said: "I have experienced horrific abuses from the banks, in particular, Deutsche Bank. I support FAPA because I have dealt and battled now for 17 years with Ocwen, PHH Mortgage, et al, and have had my case dismissed at the Supreme Court level in Riverhead in 2020, by the Honorable Justice Robert Quinlan, only to have PHH Mortgage re-initiate a whole new foreclosure against me, after the "statute of limitations" has already expire. I sincerely hope that Governor Hochul will side with her constituents and those of us who want to see justice served in the ongoing battle to preserve our homes. I appreciate the due diligence of Senator Sanders to bring this bill to the senate and assembly and since it has passed overwhelmingly, it would behoove the Governor to act and sign this bill into law. What a great way to show the American people that she really does not side with big banks, as they have already gotten their payouts and it is we, the people who still suffer and stand to lose our homes through no fault of our own."